



18334 U.S. PTO

Docket Number LD0283 DIV 1

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV305489306US  
Express Mail Label Number

March 22, 2004  
Date of Deposit

Address to: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## UTILITY PATENT APPLICATION TRANSMITTAL AND FEE SHEET

Transmitted herewith for filing under 37 CFR §1.53(b)(2) is a **divisional** of prior Application No. 10/668,032, filed September 22, 2003.

Applicant (or identifier): BENIGNI ET AL.

Title: METHODS FOR THE PREPARATION, ISOLATION AND  
PURIFICATION OF EPOTHILONE B AND X-RAY CRYSTAL  
STRUCTURES OF EPOTHILONE B

Enclosed are:

1. ☒ Specification (Including Claims and Abstract) - 59 pages
  2. ☐ Drawings - sheets
  3. Declaration and Power of Attorney
    - a. ☒ Newly executed (original or copy)
    - b. ☒ Copy from a prior application (signed or with indication that original was signed)
      - i. ☒ Deletion of Inventors  
Signed statement attached deleting inventor(s) named in the prior application
  4. ☒ Incorporation By Reference  
The entire disclosure of the prior application, from which a copy of the Declaration and Power of Attorney is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
  5. ☐ Microfiche Computer Program (appendix)
  6. Nucleotide and/or Amino Acid Sequence Submission
    - ☐ Computer Readable Copy
    - ☐ Paper Copy
    - ☐ Statement Verifying Identity of Above Copies
  7. ☐ Preliminary Amendment
  8. ☐ Assignment Papers (Cover Sheet & Document(s))
  9. ☐ English Translation of
  10. ☐ Information Disclosure Statement
  11. ☐ Certified Copy of Priority Document(s)
  12. ☒ Return Receipt Postcard
  13. ☐ Other:
- ☒ The right to elect an invention or species that is different from that elected in parent Application No. 10/668,032 in the event of a restriction or election of species requirement that is identical or substantially similar to that made in said parent application is hereby reserved.

17548 U.S. PTO  
10/805724



Filing fee calculation:

- ☐ Before calculating the filing fee, please enter the enclosed Preliminary Amendment.  
☐ Before calculating the filing fee, please cancel claims

Basic Filing Fee							\$	770
Multiple Dependent Claim Fee (\$ 290)							\$	
Foreign Language Surcharge (\$ 130)							\$	
	For	Number Filed		Number Extra		Rate		
Extra Claims	Total Claims	9	-20	0	x	\$	18	= \$
	Independent Claims	1	-3	0	x	\$	86	= \$
TOTAL FILING FEE							\$	770

- ☒ Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$770. An additional copy of this paper is enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and §1.17 which may be required in connection with this application, or credit any overpayment, to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

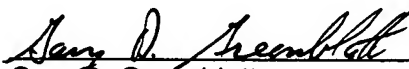
Please address all correspondence to the address associated with Customer No. 23914, which is currently:

Stephen B. Davis  
Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

Please direct all telephone calls to the undersigned at the number given below and all telefaxes to 609-252-4526.

Respectfully submitted,

Date: March 22, 2004

  
Gary D. Greenblatt  
Agent for Applicants  
Reg. No. 47,609  
Tel. No. 609-252-

Docket Number		LD0283 DIV 1
FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10		
EV305489306US Express Mail Label Number		March 19, 2004 Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BENIGNI ET AL.

APPLICATION NO: TBA

FILED: HERewith

FOR:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT DELETING INVENTORS

PURSUANT TO 37 CFR § 1.53(d) AND MPEP 602.05(a)

Sir/Madam:

Applicant is filing herewith a divisional application, claiming priority to parent application US Pat. application Serial No. 10/668,032, filed September 22, 2003. In the parent case, a process for the isolation of epothilone B and a method for cultivation of a microorganism were claimed. In this divisional application, only a crystalline solvent comprising a toluene-containing solvate of epothilone B is claimed.

In accordance with MPEP 602.05(a), it is requested that the following persons be deleted from the list of named inventors on this divisional application as they do not qualify as inventors of a crystalline solvent comprising a toluene-containing solvate of epothilone B.

Robert Stankavage

Shu-Jen Chiang

Hsing Hou

Bruce Eagan

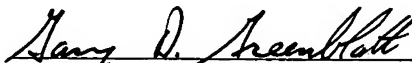
Dennis Gu  
David Hou  
Les Mintzmyer  
Thomas P. Tully  
Brian L. Davis  
Ivan Hargro  
Mark Mascari  
Gabriel Galvin  
Gregory Stein  
Cary W. McConlogue  
Fahri T. Comezoglu

**FEES**

No fees should be due as this statement accompanies the filing of the divisional application. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
609-252-3850

  
\_\_\_\_\_  
Gary D. Greenblatt, Ph.D.  
Agent for Applicants  
Reg. No. 47,609

Date: March 19, 2004